

**FISHER ISLAND MUNICIPAL ADVISORY COMMITTEE
COMMITTEE MEETING**

UNAPPROVED MINUTES FOR
WEDNESDAY, OCTOBER 20, 2004

FISHER ISLAND TENNIS CENTER

1. Call to Order

With MAC Chairperson, Ira Ostrow presiding, the October 20, 2004 Fisher Island MAC meeting was called to order at 6:10 PM.

Jason Rodriguez, Miami-Dade County Office of Information, introduced himself and explained that as of this meeting he will be the contact person for the MAC. His direct phone number is 305-275-2820.

2. Role Call

Present were the following:

Michael Pearce
William Charouhis
Ira Ostrow
Jorge Garcia
Javier Acosta

The following members were absent:

Carolyn Sakolsky
Robert Vole

3. MAC Committee Reports

- A. Public Safety – Mr. Ostrow reports that Friday of last week, at the request of the Miami-Dade Police Department, he met with the police department representatives and Jason Rodriguez. The reasons for this meeting were as follows: The law states that new municipalities are required to maintain a relationship between themselves and the Miami-Dade Police Department for a period of not less than three years with a required fourth year if both parties feel that it is necessary for transition. In the fifth year the new municipality can have their own police department operational if they wish to. The meeting was more of an assessment of needs for the Island. They are in the process of determining what they feel they would like to suggest to Fisher Island to accept in a contractual manner from the time incorporation is done.

The police department will come to the next meeting and make their presentations to the MAC and the committee will have the option of choosing one of those options or negotiating one of the options. The options that they will present are based on their assessment of the Island.

It was agreed that the next meeting of the MAC will be scheduled for November 17, 2004 at 6pm. Jason Rodriguez will check with Miami-Dade Police to verify that they will be ready to make a presentation at that time.

- B. Public Access – Mr. Ostrow expressed his concern for public access. He felt strongly that the MAC will do everything necessary to provide access to the public without infringing on the privacy of the island. Security on the island has been alerted to the public's right to access the meetings and they will escort public observers to the meeting place.
- C. Developer – Mr. Ostrow voiced his opinion that the Developer should have full inclusion in the incorporation process. He feels there are three things that must be obtained to provide the developer piece of mind as follows:

- 1. Mr. Ostrow would like for the MAC to seek out a document from the County Attorney and from the private legal community that issues an opinion that Fisher Island can retain its privacy if the town hall and the meetings that concern itself with public availability are held on the outside of the Island when the Island becomes incorporated.

Jason Rodriguez suggested that perhaps the best way to approach this would be for the Mr. Ostrow to write a letter stipulating what he has discussed with the committee. The letter can be addressed to Jason asking him to seek the counsel of the County attorney. The letter can also be addressed directly to the county attorney's office with copy to Jason Rodriguez.

Mr. Ostrow asks Mr. Charouhis to draft the letter for the county. He accepted.

Michael Posey, Fisher Island Holdings, Public Observer, has comment on above. Mr. Posey expresses his concern and wants to know if areas funded with tax dollars such as ferries, or if there is a playground, etc. become open to the general public. If they are it is a huge problem. If not then it's okay.

Jason Rodriguez responds by saying that from the information he has, there are no public grounds on Fisher Island.

Mr. Ostrow explains that the income generated by the Island are kept within the community for its betterment and not constituted public funds. Mr. Ostrow wants to make sure this is well defined in all related documents.

Mr. Garcia added that it is his understanding that the existing entities within the Island will continue to exist. Incorporation is about governance, representation and having decisions made by Island residents. If there is no park now then there is no need for the public to come to a park. The ferry is currently run by FICA and this would remain the same – therefore there is no access. However, if there were to be a city hall on the island where public access cannot be denied to records, etc. then there would be public access. But, if records are kept outside and hold municipal meetings outside, then there is no need for Fisher Island to be considered a public place.

Mr. Ostrow expressed that Miami-Dade County's public records show that the county does not provide any budget funding to Fisher Island because it is a private island.

2. Mr. Ostrow, again because he wants inclusion of the developer and wants the developer to be a proponent of incorporation, wants the charter to cover the developer's vested rights to develop.

Jason Rodriguez explains that ultimately the Board of County Commissioners has the final vote on the approval of the language in the charter.

Mr. Posey expresses his concern that regardless of charter verbiage, there will be those who will want to amend that charter at a later time against the developer.

After multiple discussion with MAC members and public observers, Mr. Ostrow responds by saying that for that reason it is important to develop a sound charter language now to avoid such problems for the developer in the future.

- D. Mr. Ostrow motioned that a large meeting be held with the community of Fisher Island to present the incorporation issues to the public for their approval and information. Letters have already gone out to residents letting them know that the MAC has been created. This meeting would be held when the Island is more populated, possibly December or January. The

feasibility study will be ready at that point. This motion is made because it is strongly felt that it is necessary to have community support in order to move forward with the incorporation process.

MAC members all agree that this meeting is important and at November 17 meeting the date of the general meeting will be decided.

Jason Rodriguez makes it a matter of record that he is giving Michael Pearce a copy of the paperwork that his office provided to MAC members at the first meeting and he in turn receives the paperwork from Michael Pearce making him a MAC member.

4. Public Questions and Comments:

General comments made by the public regarding the future of the school, the drafting of the charter, etc. that they would like to discuss further in the future.

Kevin Crowder, Economic Development Director, City of Miami Beach - expressed the City of Miami Beach Manager's desire to allow them to make a presentation of services that the City of Miami Beach can provide the Island. – Mr. Ostrow said the presentation would certainly be welcomed.

5. Next Meeting: November 17, 2004; 6 PM

6. Adjournment: Mr. Ostrow called a motion for meeting adjournment, it was motioned and seconded and the meeting was adjourned.